

Original filed 3/16/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICKEY LOUIS ALFORD, a.k.a.
Morris Day,

Plaintiff,

vs.

NICKERSON, et al.,

Defendants.

No. C 06-3728 JF (PR)

ORDER OF DISMISSAL;
DENYING PLAINTIFF'S
MOTIONS AS MOOT

(Docket Nos. 2, 5)

Plaintiff, a state prisoner proceeding pro se and frequent litigant in this court, filed a civil rights action pursuant to 42 U.S.C. § 1983 against Salinas Valley State Prison officials and his public defenders. Plaintiff also filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. On October 20, 2006, the Court issued an Order to Show Cause directing Plaintiff to show cause why this action should not be dismissed without prejudice to bringing his claims in a paid complaint pursuant to 28 U.S.C. § 1915(g); see Andrews v. King, 398 F.3d 1113, 1120-21 (9th Cir. 2005). The Court directed Plaintiff to respond within thirty days. As of the date of this order, Plaintiff has not responded or communicated with the Court.

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1 A review of the dismissal orders in Plaintiff's prior prisoner actions in this Court
2 reveal that he has had three such cases dismissed on the grounds that they were frivolous,
3 malicious, or failed to state a claim upon which relief may be granted. See Day v.
4 Feinstein, C 96-1796-FMS (dismissed as frivolous); Alford v. Johnson, C 05-1352 JF
5 (PR) (dismissed for failure to state a claim); Alford v. Sony Electronic Inc.,
6 C 05-1581 JF (PR) (dismissed for failure to state a claim). Accordingly, the instant case
7 is DISMISSED without prejudice to Plaintiff refiling his claims in a new complaint if
8 Plaintiff pays the filing fee. Plaintiff's pending motions (docket nos. 2, 5) are DENIED
9 as moot. The Clerk shall terminate all pending motions (docket nos. 2, 5) and close the
10 file. No filing fee is due in this closed case.

11 IT IS SO ORDERED.

12 DATED: 3/16/07


13 JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Rickey Louis Alford
3 J-39242
4 CSP - Salinas Valley IV
5 P.O. Box 1060
6 Soledad, CA 93960-1060
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